

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (First Chamber) of
13 February 2007 — Guarneri v Commission**

(Case F-62/06) ⁽¹⁾

(Officials — Remuneration — Family allowances — Dependent child allowance — Rule against overlapping allowances applicable to national allowances)

(2007/C 69/60)

Language of the case: French

Parties

Applicant: Daniela Guarneri (Woluwe-Saint-Étienne, Belgium) (represented by: E. Boigelot, lawyer)

Defendant: Commission of the European Communities (represented by: J. Curall and D. Martin, Agents)

Re:

Annulment of the Commission's decision of 5 August 2005 applying the rule against overlapping allowances laid down in Article 67(2) of the Staff Regulations to the deduction of the Belgian orphans' pension from the family allowance received by the applicant and also annulment of the Appointing Authority's decision of 14 February 2006 rejecting the applicant's complaint against the contested decision.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of the Commission of the European Communities of 5 August 2005 in so far as it deducts the amount of the Belgian orphans' pension received by Mme Guarneri from the family allowance paid to her;*
2. *Dismisses the remainder of the application;*
3. *Orders the Commission of the European Communities to pay the costs;*
4. *Orders the Council of the European Union to bear its own costs.*

⁽¹⁾ OJ C 165, 15.7.2006, p. 35.

Action brought on 29 January 2007 — Angioi v Commission

(Case F-7/07)

(2007/C 69/61)

Language of the case: French

Parties

Applicant: Marie-Thérèse Angioi (Valenciennes, France) (represented by: M.-A. Lucas, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision of 14 February 2006 of the European Personnel Selection Office (EPSO) laying down the applicant's results in the pre-selection tests for contract agents EU 25;
- annul the decision of EPSO and/or of the Selection Committee not to register the applicant in the data base of candidates who had passed the pre-selection tests;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant puts forward three pleas in law in support of her action.

By her first plea, the applicant claims that the Call for expression of interest published by EPSO on 20 June 2005 is contrary to Article 12(1) EC and Article 82(1) and (3)(e) of the Conditions of Employment of Other Servants. It criticises in particular the fact that the Call for expression of interest defined the candidates' main language as that of their nationality (or, in the case of countries with more than one official language, the language of their compulsory education) and provided for pre-selection tests to be held, for each candidate, in a language other than their main language and for a choice to be made between English, French and German. Those provisions meant that candidates, first, were prevented from declaring as their principal language another Community language of which they had thorough knowledge without however having the corresponding nationality and, second, were obliged to take the tests in one of the three aforementioned languages. The system gives rise to differential treatment based on nationality which cannot be objectively justified by the requirements of the functions to be performed.

The second plea alleges infringement of the principles of sound administration, equal treatment, objectivity and protection of legitimate expectations in that the applicant's pre-selection tests were marred by incidents which disturbed her and deprived her of some of the time allowed to her, without her having been authorised to start the tests over again or be granted extra time.

By her third plea, the applicant alleges, first, infringement of the principle of equal treatment in that the questions put were chosen in a random manner in a base containing questions of very varying levels, the validity of some of which was dubious and, second, infringement of the principles of protection of legitimate expectations and transparency and the obligation to state reasons in that EPSO did not provide her with the questions put to her.

Action brought on 5 February 2007 — Angé Serrano v Parliament

(Case F-9/07)

(2007/C 69/62)

Language of the case: French

Parties

Applicant: Pilar Angé Serrano (Luxembourg, Luxembourg) (represented by: E. Boigelot, lawyer)

Defendant: European Parliament

Form of order sought

- Annul the decision of the European Parliament of 20 March 2006 to reclassify the applicant in Grade B*6, step 8, with effect from 1 May 2004;
- order the defendant to pay, by way of compensation for material and non-material damage and harm to the applicant's career, the sum of EUR 25 000, subject to increase and/or decrease in the course of the proceedings;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, an official of the European Parliament and successful candidate in a competition for change of category (from Category C to Category B) before the reformed Staff Regulations entered into force on 1 May 2004, has already brought an action before the Court of First Instance of the European Communities against the decision to reclassify her in Grade B*5 ⁽¹⁾.

In the present case, the applicant challenges the Parliament's decision of 20 March 2006 to reclassify her in Grade B*6,

step 8. In support of her claim, the applicant relies on pleas in law which are very similar to those put forward in Case T-47/05. Moreover, she submits that, despite her new classification, the system arising from the reform of the Staff Regulations calls into question the effectiveness of her change of category from C to B, since the new classification does not confer any benefit on the applicant when her situation is compared with that of her colleagues who have not been successful in a competition for change of category.

⁽¹⁾ Case T-47/05 *Angé Serrano and Others v Parliament*, OJ C 93, 14.4.2005, p. 36.

Action brought on 8 February 2007 — Botos v Commission

(Case F-10/07)

(2007/C 69/63)

Language of the case: French

Parties

Applicant: Patricia Botos (Meise, Belgium) (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision adopted by the Appointing Authority on 30 October 2006, by which it dismissed the complaint brought by the applicant on 24 April 2006 against the six following administrative decisions: (i) decision adopted on 23 January 2006 by the Office for the Administration and Payment of Individual Entitlements; (ii) decision adopted on 23 January 2006 by the Head of the Brussels Payment Office of the Joint sickness insurance scheme; (iii) decision adopted on 9 February 2006 by the Office for the Administration and Payment of Individual Entitlements; (iv) decision adopted on 9 February 2006 by the Head of the Brussels Payment Office of the Joint sickness insurance scheme; (v) decision adopted on 20 February 2006 by the Head of the Brussels Payment Office of the Joint sickness insurance scheme; (vi) breakdown of the reimbursement of the medical expenses drawn up by the Brussels Payment Office of the Joint sickness insurance scheme, dated 23 February 2006;
- in so far as necessary, annul also the six aforementioned decisions;
- order the defendant to pay the costs.